

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH CAROLINA –  
WESTERN DISTRICT

Civil Action No. 3:15-CV-00366

RECEIVED  
CHARLOTTE, NC  
FEB - 9 2016  
Clerk, US District Court  
Western District of NC

DUGAN, et. al,

Plaintiffs,

v.

INVICTUS ASSET MANAGEMENT, LLC, INVICTUS  
CAPITAL GROWTH AND INCOME FUND, LLP  
INVICTUS HOLDINGS, LLP, TRADEDESK CAPITAL LLC,  
TRADEDESK FINANCIAL GROUP, INC., TRADESTREAM  
ANALYTICS, LTD., INVICTUS INCOME FUND, LLP,  
DAVID W. SCHAMENS, PHILLIPS WIEGAND JR.,  
PILIANA M. SCHAMENS, INVICTUS REAL ESTATE  
INVESTMENT, LLP, et. al.

Defendants.

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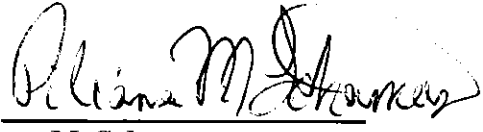
**MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND RETAIN  
COUNSEL FOR CORPORATE ENTITIES**

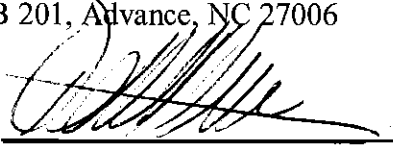
Defendants David W. Schamens and Invictus Real Estate Investment, LLP, individually and as General Partner and sole partner of Invictus Real Estate Investment, LLP, Tradedesk Financial Group, Inc., TradeDesk Capital, LLC and Tradestream Analytics, Ltd., defendants Piliana M. Schamens, individually and as Managing Member of the General Partner of Invictus Capital Growth and Income Fund, LLP and Invictus Income Fund, LLP, and as Member of Invictus Asset Management and the General Partner of Invictus Holdings, LLP moves the Court, pursuant to Federal Rules of Civil Procedure, for an extension of time to respond to Plaintiff's Complaint (the "Complaint") on the grounds that the defendants need additional time to investigate and prepare and an adequate Response as well as retain counsel. The Defendants show unto the Court the following:

1. On January 11, 2016, the Defendants filed for a motion for extension of time to file answer and retain counsel for corporate entities by physically filing with the Clerk of Court at the United States District Court in Charlotte, NC.
2. On January 14, an order granting the motion was filed with the Clerk of Court, extending the time to February 1, 2016. Nevertheless, no order was mailed by the Clerk of Court to the Defendants, and upon daily review of the [www.pacermonitor.com](http://www.pacermonitor.com) site by the Defendants looking for such order, no order was posted to the site until, upon information and belief, the week of February 1, 2016.
3. Upon seeing, the order post on the site, Defendant David W. Schamens called the Clerk's office and asked where the original order was, and the Office of the Clerk communicated that no order was mailed out since the Clerk's office did not have an address to mail to. Defendants note that the address was not on the original motion, but on the summons and other documentation filed by the Plaintiffs.

4. As such, this Motion is made in good faith, not for the purposes of delay and is filed prior to the expiration of the time originally prescribed to respond to the Complaint.

Dated: February 9, 2016

By:   
**Piliana M. Schamens**  
Managing Member of the General Partner of, ,  
INVICTUS CAPITAL GROWTH AND INCOME  
FUND, LLP, INVICTUS INCOME FUND, LLP,  
INVICTUS HOLDINGS, LLP  
Member  
INVICTUS ASSET MANAGEMENT, LLC  
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By:   
**David W. Schamens**  
Managing Director of the Managing Member,  
TRADEDESK CAPITAL, LLC  
Managing Director  
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